

REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

I. Status of Claims

Prior to entry of this paper, Claims 1-30 were pending. Claims 1-30 were rejected. In this paper, Claims 1, 5, 12, 21, and 30 are amended. Claims 1-30 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, it is respectfully submitted that each of the presently pending claims is in condition for allowance.

II. Claim Rejections - 35 U.S.C. § 101

Claim 30 was rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With this paper, Claim 30 has been amended to recite a computer readable medium encoded with instructions executable by a computer to cause the computer to perform actions. The amended form of Claim 30 recites is a computer element that defines structural and functional interrelationships between the instructions and the rest of the computer which permit the instructions' functionality to be realized. In light of this amendment, it is respectfully submitted that the subject matter of Claim 30 is statutory. Withdrawal of the previous rejection under 35 U.S.C. §101 is respectfully requested.

III. Claim Rejections - 35 U.S.C. § 112

Claim 5 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With this paper, Claim 5 has been amended to provide antecedent basis for the claimed “the auditory challenge”. As such, it is respectfully submitted that amended Claim 5 particularly points out and distinctly claims the subject matter which is regarded as the claimed invention. Accordingly, withdrawal of the previous rejection under 35 U.S.C. §112, 2nd ¶, is respectfully requested.

IV. Claim Rejections - 35 U.S.C. § 103

Claims 1-3 and 5-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Benowitz et al., U.S. Patent Publication No. 2003/0236847 (hereafter “Benowitz”) in view of Wilson, U.S. Patent Publication No. 2004/0015554 (hereafter “Wilson”). **Claim 4** was rejected under 35 U.S.C. 103(a) as being unpatentable over Benowitz in view of Wilson and further in view of Burrows et al., U.S. Patent No. 7,149,801 (hereafter “Burrows”).

With this paper, at least Claims 1, 12, 21, and 30 have been amended. These claims have been amended to clarify the stage at which email communication is controlled in response to a determined condition or the state of a provided challenge. Support for such an amendment can be found throughout the specification as originally filed, and particularly on page 9, lines 24-26, and page 10, lines 1-3 and 16-18, as well as in Figures 5A and 5B.

Claim 1, for example, has particularly been amended to further recite, “wherein disabling the client’s outbound message usage occurs prior to sending an outbound message for the client”.

It is respectfully submitted that neither Benowitz nor Wilson nor Burrows teach or suggest such a limitation.

In contrast to the claimed invention, Benowitz enables a user to “set limits on the amount of email received” (emphasis added)[para. 0108]. Benowitz clearly discloses that “receiving email” is not the same as “sending email”. Paragraph 0092 particularly discusses communication being transmitted at least twice (between the email system of the sender and the sender’s server as well as

disclosed systems at least do not teach or suggest **“disabling the client’s outbound message usage occurs prior to sending an outbound message for the client”** as has been included in the amended limitations of Claim 1. For at least this reason, it is respectfully submitted that Claim 1, as amended is allowable over the prior art of record. Withdrawal of the previous rejection under 35 U.S.C. §103 is respectfully requested.

Independent Claims 12, 21, and 30, have been amended with a similar, albeit different, limitation. For at least the same reasons listed above, the subject matter of these claims is respectfully submitted to be allowable over the prior art of record. Withdrawal of the previous rejections under 35 U.S.C. §103 is also respectfully requested.

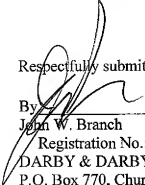
The grounds of rejection cited with respect to dependent claims **2-11, 13-20, and 22-29** are hereby acknowledged, including those based on the various combinations of Benowitz and Wilson or Benowitz, Wilson, and Burrows. However, so far as such claims depend from the above noted independent claims, it is respectfully submitted that these claims also incorporate the amended limitations and are allowable over the prior art of record for at least the same reasons listed above. Accordingly, withdrawal of the previous rejections under 35 U.S.C. §103 is also respectfully requested.

CONCLUSION

In view of the above amendment, applicant’s representative believes the pending application is in condition for allowance.

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Respectfully submitted,

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